

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Lan T. Lam,

NO. C 04-04578 JW

Plaintiff,

v.

**ORDER EXTENDING TIME TO FILE
AND SERVE OPPOSITION**

Joanne Barnhart,

Defendant.

_____ /

This suit for social security benefits was initiated on October 28, 2004. By this Court's Order to Show Cause (Docket No. 24), Plaintiff's deadline to file and serve a summary judgment motion was extended from August 5, 2005 to September 13, 2005. Plaintiff filed a motion for summary judgment within the extended time period, and Defendant has filed a cross-motion for summary judgment. Plaintiff's opposition was due on or before October 14, 2005. To date, Plaintiff has yet to file any brief since its motion for summary judgment, or any request for extension of time.

Plaintiff shall file and serve an opposition no later than November 25, 2005. Thereafter the matter will be deemed submitted on the papers. A failure to file an opposition by the deadline may result in dismissal of the case for failure to prosecute pursuant to Rule 41, Fed. R. Civ. P.

Dated: October 31, 2005

04eciv4578ext

/s/ James Ware
JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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5
6 **Dated: October 31, 2005**

Richard W. Wieking, Clerk

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8 **By: /s/ JW Chambers**
9 **Ronald L. Davis**
10 **Courtroom Deputy**